

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD AT THE RUTHERFORD COUNTY OFFICE BUILDING IN THE COUNTY COMMISSIONERS' MEETING ROOM ON JANUARY 8, 2007, AT 6:00 P.M.

PRESENT: CHIVOUS BRADLEY, CHAIRMAN  
PAUL MCINTOSH, VICE CHAIRMAN  
MARGARET HELTON  
CHARLES HILL  
BRENT WASHBURN

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CALL TO ORDER/ADOPTION OF AGENDA AND AMENDMENTS

Chairman Bradley called the meeting to order.

Vice Chairman McIntosh made a motion to adopt the agenda as amended. Commissioner Washburn seconded the motion. The motion was unanimously approved.

Addition to the agenda:

- Resolution to execute contract for Rutherford Pedestrian Trail
- Policy regarding appointments to boards and commissions

INVOCATION/PLEDGE OF ALLEGIANCE

Commissioner Helton gave the invocation, and Vice Chairman McIntosh led in the Pledge of Allegiance.

PUBLIC COMMENTS

Chairman Bradley opened the floor for public comments.

Bonnie Perry spoke on behalf of Rutherford County Citizens Against Pollution. She appealed to the Commissioners to do the right thing for the people of the Henrietta area and stop the quarry/asphalt operation.

Bryson Jones requested that the Commissioners modify the requirements of the proposed High Impact Ordinance to require a 2000-foot setback, which would be the same as the School Zone Protective Ordinance. He said the rules adopted for the watershed also should be followed.

Janet Honeycutt asked the Commissioners to stop the rock quarry/asphalt plant as it will affect citizens' health, safety and life style. She said that besides contamination from the site, the many trucks will also emit hazardous material. She asked for a 2000-foot setback in the ordinance.

Peggy Hamrick spoke in favor of the 2000-foot setback. She asked when the Commissioners would be discussing the details of the ordinance.

Chairman Bradley stated that plans would be made later.

Mary Owens asked the Commissioners to do everything possible to educate the public so that people would understand that the proposed ordinance is intended to protect the people and not to take away any property rights.

Bob Owens pointed out that bedrock outcropping should be considered impervious surface, which would change the calculation by Altamont of the built-upon area. He had provided this information to Danny Searcy of the Planning Department. He said all developers should be required to follow every guideline and restriction, for the best interest of the county.

## **CONSENT AGENDA**

Commissioner Washburn made a motion to approve the consent agenda. Commissioner Hill seconded the motion. The motion was unanimously approved.

### **Minutes**

By consent, the minutes of the December 4, 2006 and December 12, 2006, meetings were approved.

### **Tax Refunds and Releases**

By consent, tax refunds of \$1,530.60 and tax releases greater than \$100 totaling \$36,222.17 as outlined by Tax Administrator Rick Johnson were accepted. Tax releases of amounts less than \$100, which totaled \$4,381.53, were submitted by the Finance Office. (A copy of these tax refunds and releases is in the Minute Book.)

## **APPOINTMENTS\CJPP BOARD**

Commissioner Washburn made a motion that, as requested, newly-elected Sheriff Jack Conner and newly-elected District Attorney Brad Greenway be appointed to the CJPP Board to replace Phillip Byers and Jeff Hunt. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

## **APPOINTMENTS\REGION C WORKFORCE DEVELOPMENT CONSORTIUM**

A motion was made by Commissioner Hill to re-appoint Rhett Oglesby, Art Frazier, David Herndon and Wesley Smith to the Region C Workforce Development Consortium. Commissioner Helton seconded the motion, and it was adopted by a unanimous vote.

## **AUDIT 2005-2006**

Mr. Charles Killian of Gould Killian CPA Group presented the Comprehensive Annual Financial Report for 2005-2006. Mr. Killian discussed some of the details of their report. He noted the increase in the fund balance and said the county has made great progress in its financial picture. The tax collection percent was slightly over 97%, above the performance of other NC counties. He praised the Finance Department's staff for their cooperation and excellent work.

Commissioner Hill made a motion to approve the comprehensive annual financial report. Commissioner Helton seconded the motion: The motion was unanimously approved.

## **AUDITS FY2005-2006/FIRE DISTRICTS**

Crystal Hamrick, CPA, presented the Fire District Audits for FY 2005-2006 and made comments on the status of several of the fire districts.

The fire district audits were approved on a motion by Commissioner Helton, a second by Commissioner Washburn, and a unanimous vote of approval.

## **APPOINTMENT\NCACC/LEGISLATIVE LIAISON**

Chairman Bradley reported that the NCACC has initiated a Legislative Liaison program and is asking each county to name a Commissioner to serve. Commissioner Washburn made a motion to appoint Commissioner Hill to serve as Legislative Liaison to NCACC. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

### BUDGET AMENDMENTS

Ms. Paula Roach of the Finance Department presented and explained the budget amendments.

Commissioner Hill made a motion to approve the budget amendments. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

<b>Budget Amendments</b>		
<b>January 8, 2007</b>		
	<b>Expense</b>	<b>Revenue</b>
<b>GENERAL FUND</b>		
Sheriff - Overtime	\$ 8,000	
Road Patrol Supplies	\$ 3,078	
Sheriff - Drug Seizure Funds		\$ 11,078
Sheriff - Office Supplies	\$ 292	
Donation Sheriffs Dept- Fred's		\$ 292
Sheriff - Overtime	\$ 3,405	
DEA Reimbursement - Organized Crime Drug Enforcement Task Force		\$ 3,405
Sheriff - Professional Services - Insurance Deductible	\$ 5,000	
Fund Balance Appropriated		\$ 5,000
Detention - Medical Aid and Supplies	\$ 15,600	
Fund Balance Appropriated		\$ 15,600
Library - Part Time Salaries	\$ 5,000	
Library - Office Supplies	\$ 2,329	
Library State Aid Grant		\$ 7,329
Library - Professional Services Planning Grant for County Library	\$ 15,000	
State Library Planning Grant		\$ 15,000
<b>DSS FUND</b>		
Crisis Intervention Services	\$ 93,593	
Crisis Intervention Revenues		\$ 93,593
<b>SPECIAL DISTRICTS</b>		
DOT Capital Outlay Paving Grant - Shingle Hollow VFD	\$ 3,100	
DOT Grant - Paving Parking Lot		\$ 3,100
DOT Capital Outlay Paving Grant - Greenhill VFD	\$ 8,000	
DOT Grant - Paving for New Truck Bays		\$ 8,000

### BUDGET CALENDAR

Manager Condrey presented a proposed calendar for budget work sessions and asked for any changes the Commissioners wanted to make.

Commissioner Hill made a motion to accept the proposed schedule for developing the 2007-2008 budget. The motion was seconded by Vice Chairman McIntosh and unanimously approved.

**LAND RESOURCES/GREYROCK**

Danny Searcy of the Planning Department presented a recommendation from the Planning Commission for an extension of the completion dates for road construction in Phases 1 and 2 of the Greyrock development in Lake Lure. He explained that there is new leadership in the development corporation and that the bond values have been revised. The Planning Commission has scrutinized these plans carefully. The developer will present quarterly reports to the Planning Commission. A work plan to meet requirements of the NC Department of Environment and Natural Resources is being implemented.

Mr. Mark Rogers of Land Resource Companies stated that his company is committed to completing the work at Greyrock. He explained the difficulties they were up against, citing problems with the original design, which had been based on faulty topographic maps; the narrowness of the road rights of way, which did not provide adequate space for grading and filling; and the inexperience of their contractor in working in this kind of terrain. He said that in phases 3 and 4, ground level surveys would be conducted with an experienced crew. Also, a contractor is on board who understands how to build in this environment.

Commissioner Helton noted that they had been cited not to do any more work until erosion problems had been addressed. Mr. Rogers said that they would not proceed until they had clearance from DENR.

Commissioner Hill asked whether Mr. Rogers would be willing to return in six months with an updated report. Mr. Rogers agreed to do so. Manager Condrey suggested that the Commissioners also receive the quarterly reports that will be prepared for the Planning Commission.

Commissioner Washburn made a motion to accept the recommendations of the Planning Commission in regard to the construction deadline extensions for Phase 1 and Phase 2 for Greyrock and to authorize the County Attorney, Danny Searcy and John Condrey to finalize the necessary addendums to the existing Performance Agreements with Buffalo Creek L.L.C. Commissioner Hill seconded the motion. The motion was unanimously approved.

**MERIT PAY**

Subsequent to the approval of the Commissioners for funds for a merit pay plan in the 2006-2007 budget, Manager Condrey and HR Director Toney had designed a system of evaluations and incentive payments based on performance in the areas of cost efficiency, cost savings, problem-solving and customer service. Judy Toney explained that employees in the top 25 percentiles of performance evaluations will be eligible for a monetary benefit of \$500, or \$1,000 if they are exceptional. A review board made up of several department heads will review these awards before they are made. The awards are a one-time payment and not an adjustment in salary.

Ms. Toney agreed to remove language in the policy statement that mentioned salary increases based on the merit pay reviews at the request of Commissioner McIntosh. Vice Chairman McIntosh made a motion to approve the merit pay plan with the language removed. Commissioner Washburn seconded the motion. The motion was unanimously approved.

## **ROAD NAME, ADDRESSING, AND DISPLAY ORDINANCE/PUBLIC HEARING**

Commissioner Hill made a motion to call for a public hearing at the next Commissioners' meeting on changes in the present Road Name, Addressing, and Display Ordinance. Commissioner Washburn seconded the motion. The motion was unanimously approved.

## **RUTHERFORD RAILROAD CORPORATION**

Manager Condrey reviewed the history of the Rutherford Railroad Corporation, which was set up as a nonprofit board to manage the abandoned rail beds in Rutherford County, which the county and the state had purchased together from Norfolk Southern. As work progresses on the redevelopment of the Florence Mill site, the Town of Forest City has plans to condemn certain property. Although the board has not been active in recent years, the reconstitution of the board seems desirable. Several industries and the Chamber of Commerce have indicated an interest in having representation on the board.

Commissioner Washburn made a motion to nominate Tom Johnson of the Economic Development Commissioner as a member of the Rutherford Railroad Corporation representing the County of Rutherford. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

## **RESOLUTION/PEDESTRIAN TRAIL**

Jerry Stensland explained that in 2004 Rutherford County had applied for and been granted funds from NC DOT for a walking trail in the area of the Senior Center and other county buildings in Spindale. Because Rutherford County is a Tier One county, no matching funds are required. He presented a recommendation for development of the trail by H&R Landscaping, who submitted the low bid. The consulting engineers, Odom Hollifield, have endorsed this choice of contractor.

Commissioner Hill made a motion to approve the resolution to execute a contract with H&R Landscaping for the construction of the Rutherford Pedestrian Trail. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

### RESOLUTION NUMBER 2007-001

**RESOLUTION AUTHORIZING THE CHAIRMAN OF COMMISSIONERS TO EXECUTE ON BEHALF OF THE COUNTY OF RUTHERFORD, NORTH CAROLINA A CONTRACT AND ANY CHANGE ORDERS WITHIN THE BUDGETED AMOUNT WITH H&R LANDSCAPING FOR THE PROJECT KNOWN AS RUTHERFORD PEDESTRIAN TRAIL.**

**NOW THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSIONERS OF RUTHERFORD COUNTY THAT:**

The Chairman of Commissioners of the County of Rutherford, NC is hereby authorized to execute on behalf of the County of Rutherford, North Carolina the attached contract with H&R Landscaping in the amount of \$55,743 and any change orders within the budgeted amount for the Rutherford Pedestrian Trail and Concurrence in Award, provided the award of contract is approved by the North Carolina Department of Transportation.

Read, approved and adopted this 8th day of January, 2007.

## **RESOLUTION/POLICY/APPOINTMENTS/BOARDS AND COMMISSIONS**

Manager Condrey presented language to a proposed policy that had been requested by the Board of Commissions which would set qualifications for persons who serve on county boards or commissions. No person who serves on these boards may have any outstanding obligations to the county. Any sitting member would have 30 days in which to comply with the

requirements of the policy. He said Hazel Haynes, Attorney Miller and he would work out a procedure by which affected persons would be notified of the policy. He noted that this is a board policy, not a county ordinance.

Commissioner Hill made a motion to approve the resolution regarding appointment to board and commissions. Commissioner Washburn seconded the motion. The motion was unanimously approved.

RESOLUTION NUMBER 2007-002

**Resolution Requirement for Service on a Rutherford County Board or Commission**

No one currently serving on any Board appointed by the Rutherford County Commissioners, or any potential appointee to such a Board, can serve, or continue to serve, if there is a final judgment against such a person wherein they owe the County, any of its agencies, or the Rutherford County Board of Education, a sum of money and that debt remains outstanding after demand for payment by the Board of Commissioners for 30 days after written demand.

Similarly, no one currently serving on any Board appointed by the Rutherford County Commissioners, or any potential appointee to such a Board, can serve, or continue to serve, if there is a tax obligation owed to the County or any other taxing authority within the County and the obligation has been reduced to final judgment, or the statute of limitations to contest such tax assessment has run, and that debt remains outstanding after demand for payment by the Board of Commissioners for 30 days after written demand.

Adopted this the 8<sup>th</sup> day of January, 2007.

**HOLLIS CONVENIENCE CENTER**

Manager Condrey presented a proposed schedule of hours of operation for the Hollis Convenience Center. The plan, developed by a committee consisting of Commissioner Helton, Wilbur Burgin, Danielle Withrow and Bob Shuford, would limit the operation to 40 hours per week spread over four days. He said that, if approved, the new hours would be posted at the site and would go into effect after 30 days.

Commissioner Helton made a motion to approve the change in hours of operation of the Hollis Convenience Center. Commissioner Washburn seconded the motion. The motion was unanimously approved.

**PROPERTY TAX/LEGISLATION**

Chairman Bradley called attention to a letter from the Town of Surf City supporting state legislation for property tax relief for elderly citizens. He said that Commissioner Helton has expressed an interest in working on a similar resolution from Rutherford County, and that she may have one for the Commissioners to consider at the next meeting.

**ADJOURNMENT**

Chairman Bradley declared the meeting adjourned.

Adjournment at 7:17 p.m.

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Chairman, Board of Commissioners

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Vice Chairman, Board of Commissioners

Attest:

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Clerk, Board of Commissioners